

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICARDO KENNY,	)	
	)	
Plaintiff,	)	2:08cv1493
	)	Electronic Filing
v.	)	
	)	Judge Cercone
C/O NEWHOUSE , et al.,	)	Magistrate Judge Bissoon
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Ricardo Kenny ("Kenny " or "the Plaintiff") Complaint filed pursuant to 42 U.S.C. §1983 was received by the Clerk of Court on October 23, 2008, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report, filed on January 22, 2009, recommended that the action be dismissed, without prejudice, due to Kenny's failure to authorize deductions from his prison account for payment of the filing fee. The Plaintiff was allowed ten (10) days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to his place of incarceration, the State Correctional Institution at Fayette, LaBelle, Pennsylvania. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 25<sup>th</sup> day of February, 2009,

IT IS HEREBY ORDERED that this action is DISMISSED WITHOUT PREJUDICE.

The Plaintiff may re-file this action within the applicable statute of limitations period by paying the full filing fee of \$350.00. The Clerk is directed to mark this case CLOSED.

D. Cercone  
David Stewart Cercone  
United States District Judge

cc: RICARDO KENNY, FY9574  
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